

REMARKS

Claims 1-43 were pending. Claims 9, 19, 23 and 24 have been cancelled. Claims 1, 3-5, 7, 10-13, 20, 21, 28, 31, and 35-39 have been amended. Accordingly, claims 1-8, 10-18, 20-22, and 25-43 remain pending subsequent entry of the present amendment.

Claims 1-4, 14-16, 21-23, 26, 29-33, 38 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,374,406 ("Hirata"). Claims 35 and 37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2005/0028201 ("Klosterman"). Claims 5, 7, 8, 17, 24, 28, 34, 35, and 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirata in view of U.S. 2005/0028208 ("Ellis"). Claims 6, 25, and 43 stand rejected under 35 U.S.C. § 103(a) over Hirata, in view of Ellis, and further in view of U.S. 2003/0088872 ("Maissel"). Claims 9, 11, and 19 stand rejected under 35 U.S.C. § 103(a) over Hirata in view of Klosterman. Claims 10, 13, 18 and 20 stand rejected under 35 U.S.C. § 103(a) over Hirata, in view of Klosterman, and further in view of U.S. 2003/0020744 ("Ellis2"). Claim 12 stands rejected under 35 U.S.C. § 103(a) over Hirata, in view of Klosterman, and further in view of U.S. 5,758,257 ("Herz"). Claim 27 stands rejected under 35 U.S.C. § 103(a) over Hirata, in view of Ellis and Maissel, and further in view of Herz. Claim 36 stands rejected under 35 U.S.C. § 103(a) over Klosterman in view of Ellis2. Applicant respectfully traverses at least some of the above rejections and submits each of the pending claims recite features neither taught nor suggested by the cited art. Accordingly, Applicant requests reconsideration in view of the following discussion.

Claim 1 recites a method in a television system which comprises:

"receiving a programming signal at a first location, the signal comprising program material;

a first user at the first location:

tagging first data comprising at least a portion of the program material;

generating a message which identifies the first data and at least one remote user at a remote location; and

conveying the message to the remote user at the remote location;

processing the message at the remote location; and

recreating the first data at the remote location in response to processing the message.”

In the above recitation, it is seen that a user at location receives program material and tags at least some portion of the received program material. A message is then generated which identifies the tagged data and conveyed to a remote user wherein the data is recreated. In contrast to claim 1, Hirata is directed to controlling an electric appliance (‘e.g., a video deck) from outside of one’s home. To that end, Hirata discloses a gateway device may receive an email which includes an instruction(s) to schedule a particular recording. For example, Hirata discloses the following:

“... the CPU 22a ... judges ... whether a set time (for example, 10 minutes) elapses. If ... the judgement result is YES, then the ... the CPU 22a supplies a prescribed control signal to the modem section 21, calls the provider 3-1 through the public line 2, and judges whether an electronic mail addressed to this terminal 1-1 is received. If ... YES, then the ... CPU 22a acquires an electronic mail which the provider 3-1 received, and stores it in the RAM 22c. The ... CPU 22a reads the electronic mail stored in the RAM 22c successively one line by one line, and judges whether a command character string (character string which contains a control command) is contained. If ... YES, the

sequence proceeds to the step S6, and whether the command character string is "VIDEO Reservation" (video recording reservation) is judged. If . . . YES, . . . the CPU 22a . . . extracts parameters contained in the recording reservation data, and the sequence proceeds to the step S23. In the step S23, the CPU 22a judges whether the extracted parameter includes all the parameters. The parameter for a recording reservation should include a recording data (DATE), recording starting time (FROM), recording ending time (TO), recording channel (CH), and recording mode (SPEED). As the judgement result, if not all the parameters are contained (NO), the sequence proceeds to the step S24, deficient parameters are completed with a default value, and the sequence proceeds to the step S25." (Hirata, col. 6, line 10 – col. 7, line 19).

In view of the above, it is seen that Hirata and the presently claimed invention are directed to different ends. Hirata merely discloses a device configured to parse an email message for a recording reservation. Hirata does not disclose the recited receiving the programming signal and tagging of data as recited. Anticipation requires fairly strict identity (see MPEP 2131). While different terminology may be used, it must be clear that the terms have identical meaning. Applicant submits the recited receiving and tagging are not equivalent to writing an email. For at least this reason, claim 1 is believed patentably distinct from the cited art. Claims 21 and 31 are patentably distinct for at least these reasons as well.

In addition to the above, claims 21, 35 and 38 recite a combination of features neither disclosed nor suggested by the cited art. For example, claim 21 recites a client is configured to "convey the message to a remote central repository accessible by a plurality of members of a viewing audience in response to a second indication, wherein each of the audience members determine whether or not to access the central repository and receive the message." In the claim it is seen that the message may be conveyed for storage in a

remote central repository accessible by multiple members. Users may then determine whether or not the message is received by them. In the Office Action (page 3), Hirata is cited as disclosing features corresponding to a database. However, Hirata discloses an email message may be stored in the RAM (22c) of a user's gateway device 20. As such, the features "the audience members determine whether or not to access the central repository and receive the message" is not disclosed by Hirata. Rather, the message is received by the user and stored in the gateway RAM. Further, Hirata does not disclose or suggest the RAM 22c is accessible by a plurality of members. Neither does the remaining cited art disclose or suggest these features, either singly or in combination. Therefore, for these additional reasons, claim 21 is patentably distinct from the cited art. Claims 11 and 20 recite similar features as well.

Other features are also recited in the claims which are distinguishable from the art. For example, claim 5 recites that the recreated data comprises the combination of a requested portion and retrieval of a pushed portion. These features are wholly absent from the cited art.

Claims 36 and 39 further recite that the recreated data comprises an edited version which is different from that originally broadcast. For example, as described on page 26 of the specification, "a viewer may create an edit list describing a particular sequence of movie scenes. The edit list created by the viewer may indicate that the movie scenes are to be reconstructed in a particular sequence different than their original sequence." Applicant submits these features are neither disclosed nor suggested by the cited art.

For at least the above reasons, the Applicant believes all claims to be patentably distinguishable from the cited. Accordingly, the application is believed to be in condition for allowance.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-04400/RDR.

Respectfully submitted,



Rory D. Rankin
Reg. No. 47,884
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,
Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: 2/28/06